

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RHONDA CAIN,

Plaintiff,

v.

Case No. 2:24-cv-1787

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Kimberly A. Jolson

**ANDMARK HIDDEN CREEK
APARTMENTS, LLC,**

Defendant.

ORDER

This matter is before the Court *sua sponte* regarding the Court’s jurisdiction over this case. This Court previously denied Defendant AndMark Hidden Creek Apartments, LLC’s Motion for a Status Conference (ECF No. 38) and ordered Defendant to file notice with the Court regarding discrepancies in Defendant’s representations about the citizenship of its sole member and manager, AndMark Investment Fund IV, LLC (ECF No. 56). Defendant filed notice with the Court conceding that it “overlooked” a single Ohio-citizen investor-member of Defendant’s sole member. (Notice, ECF No. 57, PageID #1058–59.) Defendant acknowledged that because its sub-member is a citizen of Ohio, Defendant itself is also considered a citizen of Ohio for purposes of diversity jurisdiction. (*Id.*, PageID #1059.) Defendant is correct. *See Akno 1010 Mkt. Street St. Louis Missouri LLC v. Nahid Pourtaghi*, 43 F.4th 624, 627 (6th Cir. 2022) (“LLCs have the citizenships of their members and sub-members.”).

Plaintiff Rhonda Cain brought this action against Defendant based on diversity jurisdiction pursuant to 28 U.S.C. § 1332 to establish federal jurisdiction. (Compl., ECF No. 1, PageID #2.) Plaintiff avers that she is a citizen of Ohio, and she alleges no facts to the contrary. (*Id.*, PageID

#1.) Federal courts must ensure they have subject-matter jurisdiction and may raise the issue *sua sponte*. See *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 506 (2006). A plaintiff seeking to establish diversity jurisdiction must show “complete diversity between all plaintiffs and all defendants.” *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 82 (2005); see *Hertz Corp. v. Friend*, 559 U.S. 77, 96 (2010).

Because Plaintiff and Defendant are both citizens of Ohio, this Court lacks diversity jurisdiction over her claims. Accordingly, Plaintiff’s Complaint is **DISMISSED WITHOUT PREJUDICE**.

This case is closed.

IT IS SO ORDERED.

11/4/2024
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE